

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

M.P., a minor, by H.O.P., his
father and next friend,

Plaintiff,

v.

ORDER

Civil File No. 06-3485 (MJD/AJB)

CENTRAL MINNESOTA
CHRISTIAN SCHOOL, et al.,

Defendants.

This matter is before the Court regarding a letter request by Plaintiff to file a motion for reconsideration of the Court's August 29, 2006, Order denying Plaintiff's motion for a Temporary Restraining Order.

The Local Rules provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(g). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an

affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed its August 29, 2006, Order and concludes that it contains no manifest errors of law or fact.

Accordingly, based upon the files, records, and proceedings herein, **IT IS
HEREBY ORDERED** that:

1. Plaintiff's September 11, 2006, letter request to file a motion for reconsideration [Docket No. 13] is **DENIED**.

Dated: September 29, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court